

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

CHRIS GRAY II,

Civil Action File No.

Plaintiff,

v.

WALMART, INC.  
AND JOHN DOES 1-3,

Defendants.

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**NOTICE OF REMOVAL**

COMES NOW WALMART, INC., named Defendant in the above-captioned matter, by and through its counsel of record, within the time prescribed by law, and files this Notice of Removal, showing the Court as follows:

1.

The above-named Plaintiff filed suit against Defendant WALMART, INC. in the State Court of Forsyth County, Georgia, which is within the Forsyth Division of this Court. 28 U.S.C.A. § 90 (a)(2). Said lawsuit is styled as above and is numbered as Civil Action File No. 21SC-0503-A. Plaintiff's claims against Defendant includes claims of negligence.

2.

Plaintiff filed the Complaint on or about April 1, 2021. Defendant WALMART, INC. received service of summons and a copy of the Complaint on

April 15, 2021. Defendant WALMART, INC. files this notice of Removal within thirty (30) days after service of summons and a copy of this Complaint.

3.

Defendant Walmart, Inc. is a Delaware corporation with its principal place of business in the State of Arkansas. Defendant Walmart, Inc. was not a citizen of the State of Georgia at the time of or immediately prior to the filing and service of said lawsuit, or at any time thereafter. The principal place of business for Walmart, Inc. is 708 SW 8th Street, Bentonville, AR 72716.

4.

Plaintiff Chris Gray II is a citizen of the State of Georgia.

5.

The citizenship of the fictitious John Does 1-3 is disregarded for purposes of determining jurisdiction. 28 U.S.C. § 1441(a).

6.

Complete diversity of citizenship exists between Plaintiff and Defendant.

7.

Plaintiff claims bodily injuries, pain and suffering, lost wages of \$4,580, past medical expenses in excess of \$80,762.68, and future medical expenses (see Complaint paragraphs 18, 19, 27, 28, 28, 29, and ad damnum). The amount in

controversy, exclusive of interest and costs, exceeds \$75,000.

8.

This action is removable pursuant to 28 U.S.C. §§ 1332, 1441, based on complete diversity of citizenship between Plaintiff and Defendant.

9.

Pursuant to the provisions of 28 U.S.C. § 1446, Defendant has attached as Exhibit "A" copies of all the pleadings that were provided to and served upon Defendant, including copies of all pleadings that have been filed to date in the State Court of Forsyth County, Georgia for the above-styled case.

10.

Pursuant to 28 U.S.C. § 1446, Defendant is not required to file a removal bond.

11.

Written notice of the filing of this Notice of Removal will be given to all parties as required by 28 U.S.C. § 1446.

12.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Forsyth County, Georgia, as required by 28 U.S.C. § 1446.

WHEREFORE, Defendant WALMART, INC. prays that the above-captioned lawsuit be removed to the United States District Court for the Northern District of

Georgia, Gainesville Division.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia State Bar No. 447088

/s/ Jennie Rogers  
Jennie Rogers  
Georgia Bar No. 612725  
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The undersigned counsel certifies that the foregoing Notice of Removal has been prepared with one of the font and point selections approved by the court in LR 5.1B.

/s/ Howard M. Lessinger  
Howard M. Lessinger

**CERTIFICATE OF SERVICE**

This is to certify that on April 20, 2021, I electronically filed a **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to attorneys of record.

McLAIN & MERRITT, P.C.

/s/ Howard M. Lessinger  
Howard M. Lessinger  
Georgia State Bar No. 447088  
Attorneys for Defendant  
WALMART, INC.

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